

REMARKS

This responds to the Office action dated May 19, 2006. Claims 1-19 are presented for examination. Applicant requests reexamination and reconsideration of the application.

In sections 3-4 of the Office action, the Examiner quotes 35 USC 103(a) then rejects claims 1, 3-4 and 11 under 35 USC 102(b) as being anticipated by US Patent No. 5,828,750 to Perala (Perala) in view of US Patent No. 5,659,887 to Ooe (Ooe).

Although the Examiner asserts anticipation is present, he argues only obviousness based on two references so we request the anticipation rejections be withdrawn.

Furthermore, claim 1 would have been non-obvious over Perala and Ooe.

The Examiner concedes in the last Office action that Perala fails to disclose a secured wireless handset including a first attachment that prevents removal of the wireless handset from the cradle without use of a tool. As we stated Perala's locking hooks 11 releasably secure the mobile phone so the user can freely remove the mobile phone 1 from the holding rack 3 by pressing release buttons 12 (Figs. 2-4, col. 3, lines 13-19).

However, contrary to the last Office action, Ooe fails to disclose a first attachment that prevents removal of the wireless handset from the cradle without use of a tool. In Figure 9, Ooe shows a smooth surface on the head of screw 360. Figure 13 also shows a smooth surface on the head of screw 450. If these screws required a screwdriver, the detailed drawings would show a slot or Phillips head to receive a screwdriver or the specification would describe such features.

Instead, Ooe show the screws do not require a tool. Figures 9-10 of Ooe show screw 360 has ridges (rather than a smooth surface) on its outer edge to help one's fingers grip the screw 360 so the radiotelephone holder can be disassembled without a tool.

Perala and Ooe fail to teach a secured wireless handset including a first attachment that prevents removal of the wireless handset from the cradle without use of a tool as recited in claim 1. Since Perala and Ooe lack the claim limitation, they cannot render claim 1 prima facie obvious.

1 Claim 1 is allowable, and 3-4 and 11 are allowable based on dependency on claim 1 as
2 well as their additional limitations.

3 In section 5 of the Office action, the Examiner rejects claims 2 and 9-10 under 35 USC
4 103(a) as being unpatentable over Perala in view of Ooe and in view of US Patent No.
5 6,659,382 B2 to Ryczek (Ryczek).
6

7 Perala, Ooe, and Ryczek all fail to describe claims 2 and 9-10. Perala and Ooe's
8 defects are discussed above, and Ryczek describes a security device for displaying a
9 hand-held item (e.g., a phone) at a retailer. Ryczek allows a customer to remove the
10 hand-held item retractably resting on a housing to assure the customer the item is
11 comfortable in their hand. To permanently secure the hand-held item (i.e., attach it to
12 the housing) destroys Ryczek's purpose. Ryczek has no use for a first attachment that
13 prevents removal without use of a tool. Since combining Ryczek and Perala destroys
14 Ryczek's function, there is no motivation to combine. Claims 2 and 9-10 are allowable
15 over Perala, Ooe and Ryczek.

16 In section 6 of the Office action, the Examiner rejects claim 8 under 35 USC 103(a) as
17 unpatentable over Perala, Ooe, Ryczek and US Published Patent Application No.
18 2003/0152442 A1 to Curley et al. (Curley).

19 Perala, Ooe, Ryczek and Curley fail to teach claim 8. Combining Curley's long barrel T-
20 nut fastener with Perala would destroy Perala's function of permitting the phone to be
21 freely removed by pressing release buttons. Combining Curley's long barrel T-nut
22 fastener with Ryczek would destroy Ryczek's function of permitting easy removal of a
23 hand-held item from a display so the customer is assured the item is comfortable to
24 hold. Because combining Perala, Ryczek and Curley destroy these functions, they do
25 not make obvious claim 8.
26

27 In section 7 of the Office action, the Examiner rejects claims 5 and 7 under 35 USC
28 103(a) over Perala, Ooe, and Curley.

29 Claims 5 and 7 are allowable over Perala, Ooe, and Curley for reasons similar to those
30 presented in connection with claim 8.

1 In section 8 of the Office action, the Examiner rejects claim 6 under 35 USC 103(a) as
2 unpatentable over Perala, Ooe, Curley and US Patent No. 6,397,046 B1 to Kfoury
3 (Kfoury).

4 Perala, Ooe, Curley and Kfoury fail to suggest claim 6. Figure 1 of Kfoury shows a
5 cradle 200 having retainers 282 and 284 that freely release the radiotelephone from the
6 cradle whenever desired (col. 2, lines 27-33). Kfoury never suggests a first attachment
7 preventing removal of the wireless handset from the cradle without use of a tool as
8 recited in claim 6. Claim 6 is allowable for reasons similar to those presented in
9 connection with claim 8.

10
11 In section 9 of the Office action, the Examiner rejects claim 12 under 35 USC 103(a) as
12 unpatentable over Perala and Ooe and US Patent No. 6,636,749 B2 to Holmes to et al.
13 (Holmes).

14 Claim 12 depends from claim 1 and is allowable based on the reasons presented in
15 connection with claim 1. Holmes adds nothing to Perala and Ooe because it also fails to
16 show a wireless handset secured to a cradle.

17
18 In section 10 of the Office action, the Examiner rejects claims 13 and 17-19 under 35
19 USC 103(a) as being unpatentable over Perala and Ooe in view of US Patent No.
20 6,269,258 B1 to Peiker (Peiker).

21 Perala, Ooe, and Peiker fail to suggest claim 13. Peiker describes a hand-held receiver
22 3 that is readily removed from an insert part 1 (col. 3, lines 52-54). Perala and Peiker
23 make no suggestion of securing a wireless handset to a cradle through a first
24 attachment so that the wireless handset is not freely removable from the cradle without
25 using a tool to disassemble the first attachment between the wireless handset and the
26 cradle as recited in claim 13. Claim 13 and 17-19 are allowable.

27
28 In section 11 of the Office action, the Examiner rejects claim 14-16 under 35 USC
29 103(a) as being unpatentable over Perala, Ooe, Peiker and Curley.

30 Claims 14-16 are allowable for the reasons presented in connection with claim 13.

1 Please call to arrange an interview to discuss this response, if you have any question or
2 comment, or if you think it will expedite prosecution.

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5 Respectfully Submitted,

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